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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

San Francisco Marriott
Pacific I Room
55 Fourth Street
San Francisco, California 94103
(415) 896-1600

October 29, 2002

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, you may want to attend.

- 1. 9:00 a.m. -- Meeting called to order.**
- 2. Roll Call.**
- 3. Approval of the Minutes from the September 10, 2002, General meeting, and October 3, 2002, Special meeting.**
- 4. Welcoming of Willie Brown, Mayor of San Francisco – Board Development Committee.**
- 5. Discussion of eBay business model and vehicle auctions by Joseph E. Sullivan, Director of Compliance and Law Enforcement Relations, Senior Counsel, Trust and Safety, eBay – Board Development Committee.**

6. Closed Executive Session.

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with § 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Consideration of Proposed Decision.

FRESNO DODGE, INC., dba FRESNO DODGE v. DAIMLERCHRYSLER
MOTORS CORPORATION
Protest No. PR-1763-01

Consideration of the Administrative Law Judge's Proposed Decision, by the Public members of the Board.

7. Consideration of Petition Objected to pursuant to Title 13, California Code of Regulations, section 557.

PIONEER CENTRES OF SAN DIEGO, INC., a California corporation v. LAND
ROVER NORTH AMERICA, INC.
Petition No. P-448-02

First consideration by the Public members of the Board pursuant to Title 13, California Code of Regulations, section 554, et seq.

8. Annual update on Board Consumer Mediation Program – Administration Committee.

9. Consideration of a proposed document retention policy - Administration Committee.

10. Semi-annual update concerning the number of monthly hits to the Board's web site and where information is being sought – Administration Committee.

11. Annual Report on Board Development Program – Board Development Committee.

12. Status report on the cooperative review of the Board's statutes and regulations – Policy and Procedure Committee.

- a. **Consideration of proposed non-substantive amendments to regulations which change references to "Executive Director" from "secretary" and to "administrative law judge" from "hearing officer" to reflect the current organizational structure and duties of the Board**

staff and administration (13 CCR §§ 550, 551.1, 551.2, 551.11, 551.12, 551.13, 552, 553.40, 555, 555.1, 556, 557, 558, 560, 561, 562, 566, 570, 571, 572, 573, 574, 575, 577, 584, 585, 587, 588, 589, 590, 592, 593, 595, and 598).

- b. Consideration of proposed regulation amendment that gives the Board explicit authority to dismiss protests (13 CCR § 551.8).**
- c. Consideration of proposed new regulation that incorporates law and motion practice before the Board in a single source, including but not limited to, motions to consolidate or bifurcate, motions in limine, motions for reconsideration, and motions related to discovery (13 CCR § 551.9), or in the alternative consideration of proposed amendment to Vehicle Code which incorporates Government Code section 11511.5 into hearings on protests (Veh. Code § 3066).**
- d. Consideration of proposed regulation amendment which allows the Board to waive the annual fee for a new motor vehicle manufacturer or distributor who either does not sell vehicles in California or does not have an independent dealer or dealer branch in California (13 CCR § 553).**
- e. Consideration of proposed new regulation which formalizes the procedure for litigants to make motions for change in venue and provides for Board recovery of travel and hearing facilities' costs when the party requesting the change cancels the proceeding at the new venue (13 CCR § 551.10).**
- f. Consideration of proposed non-substantive amendments to Vehicle Code which changes references to "Executive Director" from "secretary" and to "administrative law judge" from "hearing officer" to reflect the current organizational structure and duties of the Board staff and administration (Veh. Code §§ 3014, 3015, 3050.1, 3050.2, 3050.3, 3050.4, 3050.6, 3050.7, 3052, 3066 and 3067).**
- g. Consideration of proposed amendment to Vehicle Code which removes any reference to Assistant Executive Secretary and changes the Executive Director position from a civil service to an exempt position (Veh. Code § 3014).**
- h. Consideration of proposed changes to the Guide to the New Motor Vehicle Board to include information on closed hearings and protective orders.**

- 13. Annual report on status of revisions to the assignment of cases to Board Administrative Law Judges – Policy and Procedure Committee.**
- 14. Discussion concerning Legislation – Policy and Procedure Committee.**
 - a. Pending Legislation that impacts the Board.**
 - (1) House of Representatives Bill 2215 (Sec. 11028).**
 - b. Legislation of general interest.**
 - (1) Senate Bill 91 [Chaptered September 9, 2002].**
 - (2) Assembly Bill 2397 [Chaptered September 27, 2002].**
- 15. Selection of Board meeting dates for 2003.**
- 16. Executive Director's Report.**
 - a. Administrative Matters.**
 - b. Status of Protests.**
 - c. Status of Petitions.**
 - d. Status of Appeals.**
 - e. Judicial Review.**
 - f. Notices Filed Pursuant to Vehicle Code Sections 3060 and 3062.**
 - g. Other.**
- 17. Adjournment.**